

## State Water Resources Control Board

June 27, 2018

(Via email and Certified Mail)  
**CERTIFIED MAIL**  
**NO. 7017 2680 0000 6289 5586**

Mr. Jon Kwiatkowski  
Airport Operations  
City of Merced  
20 Macready Drive  
Merced, California 95341  
[kwiatkowskij@cityofmerced.org](mailto:kwiatkowskij@cityofmerced.org)

**SUBJECT: NOTICE OF VIOLATION; UNDERGROUND STORAGE TANK SYSTEM  
LOCATED AT MERCED REGIONAL AIRPORT, 20 MACREADY DRIVE,  
MERCED**

Dear Mr. Kwiatkowski:

As part of an initiative by the State Water Resources Control Board (State Water Board) to ensure compliance at government-owned and/or operated underground storage tank (UST) facilities in California, the State Water Board staff inspected the UST at your facility on June 6, 2018, pursuant to authority under Health and Safety Code (H&SC), chapter 6.7, section 25289.

The State Water Board has identified the following violations pursuant to H&SC, chapter 6.7, and California Code of Regulations (CCR), title 23, chapter 16:

No.	Violation	Tank	Start Date	Stop Date	Regulation
1	<b>Failure to Maintain Release Response Plan</b> – The Release Response Plan lists an employee that no longer works at the facility.	Jet A	June 6, 2018	Ongoing	23 CCR 2632(d)(2)
2	<b>Failure to Provide Designated Operator (DO) Training</b> – The July 8, 2017 DO training form lists only one trained employee. At least one trained facility employee must be present during operating hours.	Jet A	June 6, 2018	Ongoing	23 CCR 2715(f)
3	<b>Failure to Maintain UST Monitoring System</b> – Monthly DO reports from June 2017 to April 2018 indicate that the printer on the monitoring system was not functioning.	Jet A	June 6, 2018	Ongoing	23 CCR 2630(d)

No.	Violation	Tank	Start Date	Stop Date	Regulation
4	<b>Failure to Meet DO Inspection Requirements</b> – Alarm history reports were not attached to the monthly DO inspection reports.	Jet A	June 6, 2018	Ongoing	23 CCR 2715(c)
5	<b>Failure to Maintain Financial Responsibility</b> – The Chief Financial Officer letter onsite at the time of inspection was not current.	Jet A	June 6, 2018	Ongoing	H&SC 25292.2; 23 CCR 2711(a)(11)
6	<b>Failure to Tag Monitoring Equipment</b> – The annual monitoring certification tag affixed to the monitoring system panel was not current. In addition, a tag was not visibly affixed to the tank annular sensor or the automatic tank gauge.	Jet A	June 6, 2018	Ongoing	23 CCR 2638(f)
7	<b>Failure to Install Monitoring Equipment According to Manufacturer's Instructions</b> – The sensor located in the turbine sump was observed with a splice enclosed in electrical tape as opposed to an epoxy pack. Additionally, the splice was not enclosed within the explosion proof junction box.	Jet A	June 6, 2018	Ongoing	23 CCR 2638(a)
8	<b>Failure to Maintain Tank Information Form</b> – In CERS, the tank manufacturer should list Xerxes. Additionally, the tank primary containment lists steel; however, it should list fiberglass. Also, under product piping construction, primary containment lists steel; however, fiberglass pipe was observed during inspection. Lastly, under piping system type, conventional suction is listed; however, it should list safe suction.	Jet A	June 6, 2018	Ongoing	23 CCR 2711(a)
9	<b>Failure to Maintain Monitoring Plan</b> – In CERS, under pipe monitoring, suction piping meets exemptions criteria lists “no”; however, it should list “yes.”	Jet A	June 6, 2018	Ongoing	23 CCR 2632(d)(1), 2711(a)(9)

No.	Violation	Tank	Start Date	Stop Date	Regulation
10	<b>Failure to Meet Design and Construction Requirements for Safe Suction Piping</b> – To meet design requirements for safe suction piping, no valves or pumps are installed below grade in the suction line and only one check valve is located directly below and as close as practical to the suction pump. At the time of inspection, an angled check valve was observed attached to the suction product pipe in the piping sump.	Jet A	June 6, 2018	Ongoing	23 CCR 2636(a)(3)(C)

**You are directed to correct the ongoing violations and submit compliance documentation to the State Water Board and Merced County Environmental Health within sixty (60) days from the date of this letter. Have your DO make specific notations in the next monthly DO report indicating the ongoing violations have been corrected. The monthly DO report and any associated photos must be submitted as proof of compliance. In addition, please update the contact person identified in the CERS summary page and list a current employee.**

Please send all compliance documentation to the following:

**State Water Board**

Mr. Douglas McDevitt  
UST Enforcement Unit  
Office of Enforcement  
State Water Resources Control Board  
801 K Street, Suite 2300  
Sacramento, California 95814  
[douglas.mcdevitt@waterboards.ca.gov](mailto:douglas.mcdevitt@waterboards.ca.gov)

**Local CUPA**

Ms. Vicki Jones  
Supervising Environmental Health Specialist  
Merced County Environmental Health  
260 East 15<sup>th</sup> Street  
Merced, California 95341  
[vjones@co.merced.ca.us](mailto:vjones@co.merced.ca.us)

Pursuant to Health and Safety Code, chapter 6.7, section 25299, the owner and operator of the tank(s) are liable for a penalty of \$500 to \$5,000 per tank, per day of violation. These penalties will continue to accrue until the violations have been corrected.

If you have any questions, please contact me at (916) 341-5551, or by email at [amantha.henkel@waterboards.ca.gov](mailto:amantha.henkel@waterboards.ca.gov).

Sincerely,



Amantha Henkel  
Senior Environmental Scientist  
UST Enforcement Unit  
**Office of Enforcement**

cc: See next page.

cc: *(via email only)*

Ms. Vicki Jones  
Supervising Environmental Health Specialist  
Merced County Environmental Health  
[vjones@co.merced.ca.us](mailto:vjones@co.merced.ca.us)

Mr. Martin Pehl  
Airport Manager  
City of Merced  
[pehlm@cityofmerced.org](mailto:pehlm@cityofmerced.org)